App F IX-4

Previous References. 1940.41 (Menzies)

File No. 228-40

Serial Nos. 1-7

Later References Dy No 170-41.

PRESENT

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~Three~~ Seven

Part B for July 41.

SUBJECT.

Appeal of Seshappa regarding his claim for the Archakship of Sri Venkataramana Swamy temple, Ramasamakalli Chik Ballapur Taluk

Rejecting the Appeal.

228-40-7.

No. 39/menz dt 10-7-41 to Archak Seshappa

No. 40 menz dt 10-7-41 to the Menz Commr

21/7/41

GENERAL AND REVENUE SECRETARIAT.

(Mwz)

NOTES. File No. 228-40

FILE HEADING.

Appeal Petition of Seshappa regarding his claim for the archakship of Sri Venkataramaswamy temple Marasanahalli, Chickballapur Tk.

FROM Seshappa of Marasanahalli, Chickballapur Tk

No.	Dated	Received 23-12-40
Diary No 961	Encl- Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the decision of the Muzrai Comr. declining to interfere with the orders of the D.C Kolar dt. dismissing his claim for the archakship of Sri Venkataramanaswamy temple at Marasanahalli Chickballapur Tk.

NOTES AND ORDERS.

21 2 Petition dated 23-12-40 from the same gentleman praying for the stay of the orders of the M.C. pending disposal of this appeal petition.

The petition is sufficiently stamped and filed in time. The facts of the case are set forth in the certified copy of the decision in Muz appeal No 19 of 39

10

NOTES—First Sheet

WD 077 —GPB—5,000—11-9-40

960 & 961

Mun File No. 228 of 1940. | General and Secretariat

in the file of this court by the M C As it relates to a claim for the hereditary post in the Mayrai Institution, if approved, report with connected records will be called for

for orders - There appears to be no case stated for obtaining with 10/12 — system The M.- in the appellant has been stated both and been convicted in a certain Criminal Case. For ends of the ends in may be rejected —

The entered petition and the petition for stay may be returned

for
Sgd

4 The Conviction was in 1931-32. The appellant seems to have been sentenced to rigorous imprisonment for a period of about 8 years - The Board has recorded that the Chairman like the whole we were in good terms & that no complaints were made to him by which the contrary - The later events are not intelligible. The appellant alleges that he was prosecuted for the removal of bricks with a view to

GENERAL SECRETARIAT
30 DEC. 1940
3954

Serial No.

& the prosecution was launched at the instigation of the Chairman. In any case, having continued the appellant for 8 years after conviction is quashed, this cannot be urged at this distance of time as a disqualification. As regards the complaint of non-performance of washing regularly, there seems to be no provision of remission during the trial period. The records may be called for, together with a copy of the judgment in the criminal case & perused. Nothing more can be done. It may also be stated that when the method was changed in this office for about 8 years after conviction, whether there was complaint about non-performance of duty in washing days, when & what action was taken & how this case is recorded with the office & the date recorded in 25-2-41 &.

2nd Amendment)

6034

TYPING SECTION 7 JAN 1941 GEN. & REVENUE DEPTT.

NOTE—Contn Sheet.

Sup A 6/1/41

Copy submitted
CRS 2/1/41 CS 2/1/41

Mys File No. 228 of 1940. General and Secreta

	Serial No.
d. 4-1-1941 Letter No 1409 to the Mys Govt returned to Judge forwarding the petition, and calling for a report with enclosed records —	3
Letter No. C 1166 of 40-41 of 9-5-41 from the Mysore Commissioner in Coorg, Bangalore submitting the report called for	4
& Information furnished by the Mc is submitted with reference to paras 4 and 5 supra.	
(a) In the circumstances reported, the enhancement seems to be on moderate one for the Archaki Pattadars to have been removed recently. The appeal may be rejected	
(b) Where is the copy of the judgement —	
(c) Draft Submitted	
Letter No 2291 / Revenue-Miscellaneous dated 16-5-41 to the Mys Commissioner requesting for Secy of Court to also the Copy of the judgments of the Hon'ble Appellate	5

SwsA 6/11/41

SwsA 17/5/41

SECRETARIAT
14 MAY 1941
3611

TYPING SECTION
15 MAY 1941
REN. & REV. DEPTT.

Serial No.

6

Letter No C 116/40-41 dated 1-7-41 from the Mang Commr submitting the copies of judgment in c.c. & 3 of 31-32 & criminal appeal 104 of 31-32 called for.

13) Judgment copies are submitted with reference to para 10 supra

JMK 8/7/41

GENERAL SECRETARIAT. 7 JULY 1941 166

14) The appeal was [illegible] rejected [illegible] M.C's letter [illegible]

[illegible]

15) [illegible] 8/7/41

To 150.

16) A draft rejecting the appeal is submitted

JMK 9/7/41

TYPING SE. 9 JULY 1941 GEN. & REV. SECT.

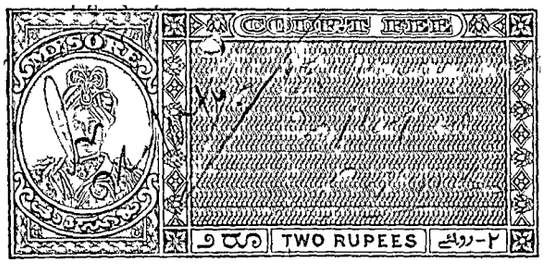
Endorsement No 39/Mang dt 10-7-41 to Brahak Seshappa intimating that his appeal is rejected.

7

Memo No 40/Mang dt 10-7-41 to the Mang Commr forwarding the copy of the above & returning record.

NOTE—Contn Sheet

Serial No.



FOR THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

****

Musrai Appeal No. of 1940-41.

Appellant.- Seshappa, son of Ramaswamy, aged about 35 years, Archak, Sri Venkataramanaswamy Temple, residing at Narasanahalli, Chickballapur Taluk.

V/s

Respondent.- Sreenivasiah, son of Ramaswamy, aged about 40 years, resident of the above said Narasanahalli, Chickballapur Taluk.

****

Under Section 15 of the Mehajeri charitable Inamat Musrai act, read with section 210 of the Land Revenue Code, appellant respectfully begs to appeal to this Hon'ble Court from the order dated 26/9/1940 made by the learned Musrai Commissioner in appeal No.19 of 1939-40 on his file, removing appellant from the office of Archakship of the Sri Venkataramanaswamy Temple of Narasanahalli, Chickballapur Talu.

PARTIES.- Appellant was the heriditory Archak of the Sri Venkataramanaswamy Temple of Narasanahalli and was doing duties as such. There was some unfortunate trouble between the Chairman of the said Village Panchayet and the appellant and this resulted in a prosecution of the appellant for an alleged offence in respect of removal of a flower worth about a rupee or so from the school

premises, and the offence was technical as proceedings in the said case show. Anyhow, appellant was convicted therefor in 1931. Inspite of that appellant continued to be archak till the present proceedings started at the end of 1937 when again the said Chairman of the Village Panchayet set up the rival claimant the above said Srinivasiah, a divided brother of the appellant, who purports to claim the office on the ground that on account of the conviction, appellant was incompetent to continue as archak. This move was opposed by the residents of the village whose opinion was in favour of the appellant doing duties.

The Learned Amildar has made an elaborate enquiry regarding this and recorded proceedings evidencing the same. However, the courts below have removed the appellant from the office and appointed the respondent in his place. It is from the order which the Revenue Commissioner made as mentioned above that this appeal is preferred on the following amongst other grounds.-

(1) The courts below are in error in not noticing that unless it was made clear from the tenor and tone of the judgment in the criminal case that there was such an amount of moral turpitude as rendere appellant incompetent, it was inequitable to penalise the appellant further and to remove him from the dutie of his office in the course of which the said offence was not committed.

(3) The courts below should have accorded some weight to the opinion expressed by the residents of the village, except of course the solitory instance of the chairman, in favour of continuing appellant as archak, specially since they were the persons most concerned in the matter and none else.

(4) The courts below should have satisfied themselves that the case started in this behalf against the appellant urging his removal is not laid bona fide.

(5) In any case the punishment is too severe.

The order of the courts below is otherwise opposed to law, facts and probabilities.

Bangalore,
20th December 1940. } Advocate for appellant.

23

---: ooOoo : ---

COURT FEE

EIGHT ANNAS

In the circt of the Mysore Commissioner in Mysore
Bangalore

Appeal No. 19/39-40

Appellant:-
Seshappa, Archk
residing at Marasanahalli
Chickballapur Taluk

Vs

Respondent:-
Srinivasiah
resident of Marasana-halli, Chickballapur Tk

Subject

This is an appeal against the order of the Deputy Commissioner, Kolar District dismissing the claim of the appellant to the archak services in the Sri Venkata-ramanaswami temple at Marasanahalli, Chickballapur Taluk.

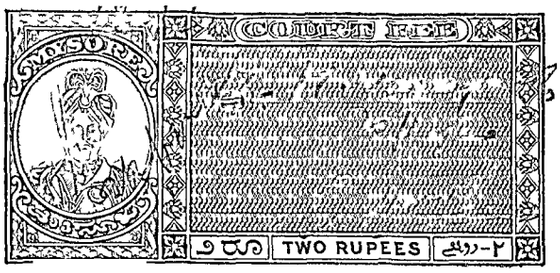
OFFICE No..... 25 OCT. 1940 IN MYSORE, B'GALORE.

Facts of the case

The Chairman of the Village Panchayet of Marasanahalli & Chickballapur Taluk complained to the Amildar on 16-12-1937, that the appellant Seshappa archak of Sri Venkataramanaswami temple at the place was not conducting puja regularly in the temple; that he (appellant) had been convicted of imprisonment and fined Rs 200/-, as a result of which only few devotees visited the temple; and that necessary arrangements might be made for the regular conduct of puja in the temple, by appointing a competent archak

2) The appellant, Seshappa also petitioned the Amildar on 1-2-1938 that, on account of some ill-will between him & his brother (respondent), the chairman has joined his brother (respondent) and has complained against him (appellant); and that, as he had been conducting worship regularly for the last 5 to 6 years and enjoying the inam lands, his right to the archak services might not be disturbed

3) The Amildar ordered on 25-2-1938 that the Chairman & the Archak were not on good terms; hence, the complaint, that puja was being attended to regularly and the Villagers had not complained visits and that merely because



Before the Government
of Mysore Bangalore. ಕೋರ್ಟಿಗೆ.

1930 — 1931. ನೇ R.A. ನಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್. ಪ್ರತಿವಾದಿ ಯಾ ಆಪೋನೆಂಟ್.

Seshappa. } Vs. { Siddavvajja.

ಮು|| ರಾ|| ಯಂ. ನಾರಾಯಣರಾವ್, ಎಂ.ಎ., ಬಿ.ಎಲ್., ಅಡ್ವೊಕೇಟ್ ಯವರಿಗೆ.

A. Narayana Rao. ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ವರವಾಗಿ ಆಪೈರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ನಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ರೀಪಂಡು ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗು ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸೂಕ್ತ ಯಾ ಯುಕ್ತ ತೋರುವಂತೆ ರಾಜಿ ವಗೈರೆ ಮಾಡಿಸಲೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ನಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ನನಗಾಗಿ ನೀವು ಮಾಡಬಹುದಾದ ಎಲ್ಲಾ ಕೋರ್ಟು ಖರ್ಚುಗಳಿಗೂ ಮತ್ತು ನನ್ನಿಂದ ನಿಮಗೆ ಸಲ್ಲಬೇಕಾದ ಬಾಕಿ ಫೀಜಿಗೂ ನಾನು ಬದ್ದನಾಗಿರುವುದಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಧೇನೆ.

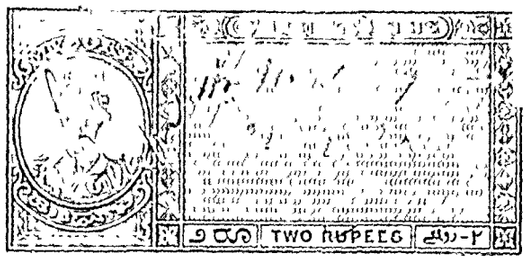
ಸಹಿ ಅರ್ಜಿದಾರ: ಕೆಳ್ಳಪ್ಪ

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ.

ತಾರೀಖು 19/12/1930.

ಶ್ರೀ ವಿಜಯ ಲಕ್ಷ್ಮೀ ವಿಲಾಸ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ.



[illegible] Revision Petition No. [illegible]
of 1939-40, Madras.

Mural appeal No. of 1939-41.

Appellant.- Desappa, son of Ramaswamy, aged about 35 years, Archak, Sri Venkatachalapathy Swamy Temple, residing at Narasandrapalli, Chickballapur Taluk.

V/s.

Respondent.- Sreenivasiah, son of Ramaswamy, aged about 40 years, residing at Narasandrapalli, Chickballapur Taluk.

***

SUBJECT.....

2 Wills

Section Mun

File No. 228 40

Serial No 3.

Diary No. of letter replied to.....961.....

No. 1409. / Secl Appl Rev

To The M C

General and Revenue Secretariat

( )

the 19 .

Sir.

I am directed to forward herewith* the petn dd 23-12-1940 from one Mr Seshappa of Narasana Lally, Chickballa pur* appealing against your order, of the claims for the archakship of Sri Venkataramanaswamy temple at the place and to request you to be so good as to expedite the submission of the entire records connected with the case together with the copy of the

Date of issue..... 4-1-41 .....

Signed by Asst S.K.V.

* To be diligently returned with records.

List of enclosures . . ..

Copied by . . . . .

Examined by . . . . . .

the criminal case in
which the appellant Seshappa
is stated to have been
convicted - I am also
to request you to be so good
as to report how the archak
Seshappa was continued
in his office for 8 years
after conviction, whether
there were complaints about the
non performance of regular
worship, and if so, when
and what action was
taken and how this
could be reconciled with
the opinion of the Amildar
recorded on 25-2-1938.

I have etc.

for General Secy

CKS
2/1/41

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. 1409 Ecc Pethitions Dated, Bangalore, ...8th January 1941.

Judg 220-40-3

16

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
General Department.

To

The Muzrai Commissioner in Mysore,

Bangalore.

S i r,

I am directed to forward herewith petition (to be obligingly returned with records) dated 23-12-1940 from one Mr. Seshappa of Marasana halli, Chickballapur Taluk appealing against your orders regarding his claim for the archakship of Sri Venkataramanaswamy temple at the place and to request you to be so good as to forward very early the entire records connected with the case together with the copy of the judgment in the criminal case on which the appellant Seshappa is stated to have been convicted. I am also to request you to be so good as to report how the archak Seshappa was continued in his office for 8 years after conviction, whether there were complaints about the non-performance of regular worship. and if so, when and what action was taken and how this should be reconciled with the opinion of the Amildar recorded on 25-2-1938.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government.
General Department.

CKS

taken to duty during 1938, that correspondence was going for his removal from that time, and that he did not work as Archak for 8 years after conviction.

I have the honour to be,

Sir,

your most obedient servant,

Muzrai Commissioner.

PRN.

19

Immediate.
No:A.2.C.1998/40-41.
Enc. One file.

Office of the Deputy Commissioner,
Kolar District,
Dated, Kolar, the 22nd April 1941.

From

G. Sundara Rao, Esq., B.A.,
Deputy Commissioner,
Kolar District,
Kolar.

To

Rukn-ul-Mulk S. Abdul Wahid, Esq., B.A.,
[illegible]
Bangalore.

Sir,

Subject:- Re-Appointment of Marasanahalli Sri Venkataramana-Swami Temple, Chikballapur Taluk.

Adverting to your Memo No.7,166/40-41 dated 16th January 1941 on the above subject, I have the honour to forward, herewith, the records, endorsing the Circle Inspection Officer's report No:Huz.C.569/40-41 dated 19th April 1941 and to state that the facts of the case have been duly set forth in Govt. Order (Appeal.19/39-40 dated 26th September 1940, a copy of the Judgment in the Criminal case (to be obtained from Mol Registry) Flag A. in which the appellar Seshappa is stated to have been convicted is obtained and enclosed to the case.

As regards the point as to whether archak Seshappa was continued in the office for 8 years after conviction and whether there were complaints about the non-performance of the daily worship etc., kind reference is invited to the Memo No.C.110/40-41 dated 25th March 1941 (Flag C). It may be seen therefrom that when archak Seshappa was convicted and his appeal dismissed, his other three brothers were conducting the worship and it was taken to duty when Mr. F.L. D'Souza was the Deputy Commissioner (in 1938) and that correspondence is from that date onwards. This shows that Seshappa was archak for 8 years after conviction.

I have the honour to be,
Sir,
Your most obedient servant,

for Deputy Commissioner,
Kolar District.

SUBJECT .....

.....

.....

2 cells

Diary No. of letter replied to 1.6.8.7

General and Revenue Secretariat

( )

the *19*

Date of issue 16-5-41

Signed by M.S.K.V.

re: The appeal of Seshappa of Mansanahalli Circle ~~against~~ praying for the admission of his claim for the ~~a~~ ~~against~~ Sri Venkataramana Swamy ~~Hindu~~ Hindu.

List of enclosures .....

opied by .....

A copy of the judgment of the arbitrator ~~to be sent~~

Examined by .....

Section Inam

File No. 228 40

Serial No. 5

No. 2791.

To

The Inam Commissioner in Mysore, Bangalore

Sir,

With reference to your letter no C 1166/40-41 dated 9-5- I am directed ~~I have the honour~~ to state that an extract from Criminal register No 1 concerning Seshappa has been received ~~along~~ with the file of records instead of in the Cr. case about the copy of the judgment called for. and to ~~request you therefore to~~ I am therefore directed to request that the latter may be called for and sent to this Office in advance to send the copy of the ~~record~~ file of the judgment

I have etc

for General Secretary

SJK 15/5

WD 086—GPB—40,000—30-7-40

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

2791/ Muz 228-40-5

Dated, Bangalore, ..16th May..1941.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
General Department.

The Muzrai Commissioner in Mysore,
Banhalore.

Sir,

With reference to your letter No.C.1166/40-41 dated 9th May 1941 re: the appeal of Seshappa of Narsanahalli, Chickballapur Taluk about his claim for the Archakship of Sri Venkataramanaswami Temple at the place, I am directed to state that an extract from criminal register No.1 convicting Seshappa has been received with the file of records instead of the copy of the judgment in the Criminal case already called for and to request that the latter may kindly be obtained and sent to this office for reference and return. A copy of the judgment of the appellate court may also be sent.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government,
General Department.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,... ...1st....July.....1941.

Rukn-ul-Mulk
S. ABDUL WAJID, Esq., B.A.,
xxxx

plicate.

mediate.
:A.2.C.1998/40-41.
c. Two.

Office of the Deputy Commissioner,
Kolar District,
Dated, Kolar, the 21st June 1941.

om

G. Sundara Rao, Esq., B.A.,
Deputy Commissioner,
Kolar District,
K o l a r.

Rukn-ul-Mulk S. Abdul Wajid, Esq., B.A.,
Muzrai Commissioner in Mysore,
B a n g a l o r e.

i r,

Subject:- Re: Archikship of Marasahahalli Sri Venkata-
Ramanaswami Temple, Chikballapur Taluk.
- - - - -

Adverting to your Memo No:C.1166/40-41 dated 20th May 1941 on the ove subject, I have the honour to forward, herewith, a copy of the dgment in the Criminal Case referred to in your communication under ply and also a copy of the Judgment of the appellate Court for favou: forwardal to the General Secretary to Government as required in his tter No:2791/Muz.228-40-5 dated 16th June 1941.

I have the honour to be,
S i r,
Your most obedient servant,

for Deputy Commissioner,
Kolar District.

/K.3.

IN THE COURT. of the Spl 1st class Magistrate Chikkanayakanahalli.

(a) Serial number	..	C.C.83 of 31-32.
(b) Date of commission of offence	..	22nd July 1931.
(c) Date of report or complaint	..	17th October 1931.
(d) Name of complainant (if any).	..	Sripada Rao.
(e) Name, parentage, age and residence of accused.	..	1. Seshappa - 26 - Ramaswami) Manchanbele. 2. Kondappa - 22 - Kondappa)
(f) The offence complained of and offence (if any) proved and in cases coming under clause (d), Clause (e), Clause (f) or clause (g), of sub section (1) of Section 260, value of property in respect of which the offence has been committed.		House-breaking and theft. 457 - 380 I.P.C. An iron lock worth annas twelve.
(g) The plea of accused and his examination (if any).		Not guilty.
(h) The finding		A.1.-'I did not produce Art.1. A constable produced it from within my house.' A.2.-'I know nothing.'
(i) The sentence or other final order.		A.1., convicted and sentenced to three months' R.I. A.2., discharged.
(j) The date on which the proceedings terminated.		3rd December 1931.

JUDGMENT EMBODYING THE SUBSTANCE OF THE EVIDENCE.

The theft of the Dibbur School lock is proved by the evidence of Sripada Rao (P.W.1) who has made an immediate report on 23-7-31. That Art.1 is the stolen lock is also proved beyond a shadow of doubt by Exh. P.2., which contains the description of the lock viz.,"4 leavers, No:16, Hubbs & co., Aligarh" which exactly ~~xxtx~~ tallies with those on Art.1. Besides P.W.1 has produced duplicate keys of Art.1, bearing No: 16. These two facts are not also contested by the accused. Next that Art.1 was discovered in consequence of information furnished by A.1., is amply proved by the evidence of Police Inspector P.W.5, Patel (P.W.2) and Goldsmith (P.W.3). A.1., in his written statement filed through his Counsel tries to contest the discovery on two grounds - (i) because his house was searched on 22-9-1931 and (ii) because between 22-9-31 and 4-10-31 ie., the date of discovery of Art.1 he was under Police remand. It is true the Inspector searched A.1's house on 22-9-31 and seized two vessels connected with another case, ~~which~~ in which as well A1, was charged but given the benefit of doubt and acquitted. After this seizure, the

house was locked and the key handed by A.1., to his aunt who of the house for A1., until 4-10-31 when A1 gave information of and "picked it out himself from his trunk" as sworn to by P.W.2, P.W.3 and P.W.5. That P.W.5 implicitly believed A1's information is appar from the fact that before he proceeded to the accused's house in Manchanbele he ran up a man to Dibbur to fetch the complainant (P.W.1) with the duplicate keys of the stolen lock and then left Chikballapur with P.W.1 to verify A.1's information. This adds genuineness to the discovery. A.1's contention is not therefore of any value. The Inspector's veracity cannot be doubted, for, if he wanted to foist a case against A.1, nothing prevented him from doing so on 22-9-31 when Art. 1 also may have been seized. The fact is that he did not know of its existence. Art.1. is traced beyond doubt to A1., whom I find guilty under Section 380 I.P.C., and sentence him to three months' Rigorous Imprisonment. Art.1, will be delivered to P.W.1.

Sd/- C. Krishna Rao,
Special First Class Magistrate,
Chikballapur.

MVK.2.

"COPY"

For Deputy Commissioner,
Kolar District.

In the Court of Sessions, Bangalore Division, Bangalore,

Dated, the 23rd day of March 1932.

Present

A. Sreenivasa Ragavachari, Esq., B.A., B.L.,
Sessions Judge.

Criminal Appeal 104 of 1931-1931.

Seshappa .. 1st accused APPELLANT.

-Vs-

Government of Mysore. .. .. RESPONDENT.

Petition of Criminal appeal received through the Superintendent, Central Jail, Bangalore, for the appellant, - 1st accused, against the conviction and sentence of the Special First Class Magistrate, Chikballapur, in C.C.No: 83/31-32 under Section 380 of the Indian Penal Code on the 3rd day of December 1931.

JUDGMENT.

This is an appeal against the conviction and sentence passed on the appellant by the Special First Class Magistrate, Chikballapur, in Criminal Case No:83 of 1931-32 for an offence under Section 380 Indian Penal Code. The case was summarily tried by the Magistrate. The charge against the appellant was that he committed theft of a lock worth annas twelve from the Nibbur School. From the summary of the evidence recorded by the Magistrate it is seen that the lock in question was discovered in consequence of the information furnished by the appellant. There is no reason to disbelieve the evidence of P.Ws.Nos. 2 and 3 on this point. The appellant has been rightly convicted.

The lock was worth only annas twelve and it is not apparent why the Magistrate has sentenced the accused to 3 months' rigorous imprisonment instead of giving him the benefit of Section 562 Criminal Procedure Code. It is to be regretted that many Magistrates ignore the provisions of Section 562 Criminal Procedure Code and instead of giving the offender a chance to reform straight away sentence him to imprisonment for short periods, which, if anything, is likely to rob the offender of the little self-respect he may have and turning him to be a jail bird. It is hoped that the Magistrate will have greater recourse to Section 562 Criminal Procedure Code in cases of trivial offences where the subject matter of

the stolen property is negligible. Unfortunately in the preser the appellant has already served out his sentence. With these obs tions I dismiss this appeal.

Sd/- A. Sreenivasa Ragavachari,

Pronounced in Open Court,

Sd/- A. Sreenivasa Raghavachari,
23-3-32.

"c o p y"

For Deputy Commissioner,
Kolar District.

MVK.2.

SUBJECT .....

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Diary No. of letter replied to 961

General and Revenue Secretariat

( )

the *19*

Date of issue 10-7-41

Signed by M S K-V

List of enclosures .....

Copied by .....

Examined by .....

Section Muz

File No. 228-40

Serial No. 7

No. 39

To

Mr Seshappa

Archak, Sri Venkataramana Swamy Temple

Marasimahalli - Chickballapur TK

C/o B.T. Narayana Rao Esq M.A, B.L.,

Advocate, Bangalore City

Subject:- Re the Archakship of Narasimha

halli, Sri Venkataramana Swamy Temple,

Chickballapur Taluk

With reference to his ~~appeal~~ appealing petition dated 20/23-12-1940 against the order dated 26-9-1940 of the Muzrai Commissioner in appeal No 19 of 1939-40, on the file of this Court, Mr Seshappa is ~~hereby~~ informed that his appeal ~~has been~~ is rejected -

that Govt see no reason to modify the order of the M-C in the matter

By order

9/7/41

for General Secy to Govt

WD 086—GPB—40,000—30-7-40

Copy of the foregoing is forwarded

with Compliments to the Mysore

Commissioner in Mysore, Bangalore

received with Covering Indent and this letter
no. 1166/40-41 dt 9/3/41 on the subject
the Records accompany —

.03 - 0

for

For General Secy to Govt

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Dated Bangalore 10th July 1941.

No. 39/Muzrai 228-40-7

ENDORSEMENT.

To

Mr. Seshappa,
Archak, Sri Venkataramanaswamy Temple,
Narasanhalli, Chikballapur Taluk,
C/o Mr. Narayana Rao, Sec., M.A., B.L.,
Advocate, Bangalore City.

Subject:- Regarding the archakship of Narasanahalli Sri Venkararamanaswamy Temple, Chickaballapur Taluk

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With reference to his petition dated 20/23-12-1940 appealing against the order dated 26-9-1940 of the Muzrai Commissioner in appeal No.19 of 1939-40, on the file of his court, Mr. Seshappa is informed that Government see no reason to modify the orders of the Muzrai Commissioner in the matter and that his appeal petition is rejected.

By Order,

For Secretary to Government.
General Department.

No. 40/Muzrai Rev. Records. Dt 10-7-41

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore, Bangalore. The records received with correspondence ending with his letter No.1166/40-41 dated 9.5.41 on the subject accompany.

By Order.

For Secretary to Government,
General Department.